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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, SMICK ENTERPRISES, INC.,
ELON MUSK, and TESLA, INC.,

Defendants.

Case No. 3:20-cv-03426-JD

**DECLARATION OF AARON
GREENSPAN IN SUPPORT OF
PLAINTIFF'S APPLICATION
FOR ENTRY OF DEFAULT
AGAINST OMAR QAZI AND
SMICK ENTERPRISES, INC.**

I, Aaron Greenspan, declare as follows:

1. I hereby incorporate by reference my July 7, 2020 declaration, ECF No. 26-1, concerning service of the initial Complaint in this lawsuit.

2. I filed a First Amended Complaint ("FAC") in this lawsuit against Omar Qazi, Smick Enterprises, Inc., Elon Musk and Tesla, Inc. on July 2, 2020 via CM/ECF. Elon Musk and Tesla, Inc. were served with the FAC via CM/ECF.

3. On July 2, 2020, Omar Qazi and Smick Enterprises, Inc. had yet to appear before this Court. The last known address for both entities was then and is now 2625 Hyde Street, San Francisco, CA 94109.

4. On July 2, 2020, pursuant to Federal Rule of Civil Procedure 5(b)(2)(C), I served the FAC on Omar Qazi and Smick Enterprises, Inc. by depositing it in the U.S. Mail, postage pre-paid, addressed to Omar Qazi, 2625 Hyde Street, San Francisco, CA 94109.

1 5. Omar Qazi was served in his personal capacity and on behalf of Smick
2 Enterprises, Inc. in his capacity as Chief Executive Officer of that company based on what is
3 written on the company's website at <https://www.smick.com/team.html>.

4 6. On July 16, 2020, counsel for Omar Qazi and Smick Enterprises, Inc. appeared
5 before this Court. ECF Nos. 41, 42. Counsel then motioned to set aside default as to the initial
6 Complaint and acknowledged the filing of the FAC. ECF No. 44.

7 7. In his July 15, 2020 declaration, Omar Qazi confirmed that 2625 Hyde Street, San
8 Francisco, CA 94109 is his last known address and that he is a "principal of Defendant Smick
9 Enterprises, Inc." ECF No. 44-1.

10 8. Under Federal Rules of Civil Procedure 15(a)(3), 6(d), and 6(a)(1)(C), Defendants
11 Qazi and Smick Enterprises, Inc. were required to plead or otherwise respond to the FAC by July
12 20, 2020. The time to plead or otherwise respond to the FAC has not been extended by any
13 agreement of the parties or any order of the Court.

14 9. Defendant Qazi has failed to file or serve a response to the FAC. The applicable
15 time limit for responding to the FAC has expired.

16 10. Defendant Qazi is not a minor or an incompetent person.

17 11. Defendant Qazi is not currently in the military service, and therefore the
18 Servicemembers Relief Act does not apply.

19 12. Defendant Smick Enterprises, Inc. has failed to file or serve a response to the
20 FAC. The applicable time limit for responding to the FAC has expired.

21 13. As a corporation, Defendant Smick Enterprises, Inc. is not a minor or an
22 incompetent person.

23 14. As a corporation, Defendant Smick Enterprises, Inc. is not currently in the
24 military service, and therefore the Servicemembers Relief Act does not apply.

25 15. As Exhibit A, I have attached to this declaration a true and correct copy of the
26 certificate of service attached to the FAC on file with this Court for the above-named
27 Defendants.
28

1 16. As Exhibit B, I have attached a true and correct copy of Defendant Qazi's July 15,
2 2020 declaration confirming his last known address and affiliation with Defendant Smick
3 Enterprises, Inc.

4 I declare under penalty of perjury under the laws of the United States that the above
5 statements are true and correct and that this declaration was executed on July 21, 2020 in San
6 Francisco, California.

7
8 Dated: July 21, 2020


9
10 
11 Aaron Greenspan

EXHIBIT A

July 2, 2020 First Amended Complaint Certificate of Service

CERTIFICATE OF SERVICE

The undersigned certifies that on July 2, 2020, he caused this **FIRST AMENDED COMPLAINT** to be served via First Class Mail by depositing this document, postage pre-paid, in the U.S. Mail addressed to:

Omar Qazi
2625 Hyde Street
San Francisco, CA 94109
Defendant and Officer of Defendant Smick Enterprises, Inc.

All other parties are registered for the CM/ECF system and have been served electronically.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 2, 2020.

Dated: July 2, 2020



Aaron Greenspan

EXHIBIT B

July 15, 2020 Declaration of Omar Qazi

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and Smick Enterprises, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AARON GREENSPAN,

Plaintiff,

v.

OMAR QAZI, et al.,

Defendants.

Case No. 3:20-cv-03426-JD

**DECLARATION OF OMAR QAZI IN
SUPPORT OF DEFENDANTS OMAR
QAZI AND SMICK ENTERPRISES,
INC.'S MOTION TO LIFT CLERK'S
ENTRY OF DEFAULT**

Time: August 20, 2020

Date: 10:00 a.m.

Before: The Hon. James Donato

Ctrm: 11, 19th Floor

1 I, Omar Qazi, declare as follows:

2 1. I am a Defendant in this action and a principal of Defendant Smick
3 Enterprises, Inc., which is also a Defendant in this action. Unless otherwise stated, I have
4 personal knowledge of the facts stated herein.

5 2. While I previously resided at 2625 Hyde Street, San Francisco, CA 94109
6 as a subtenant, I moved out in April 2019, and I have not lived at or returned to that
7 address since.

8 3. I was never personally served with the Complaint, and I never received an
9 email from Plaintiff asking me to waive service of summons of the Complaint in this action.
10 Notably, after receiving multiple emails from Aaron Greenspan containing threats and
11 false allegations, in October 2019, I blocked all email from Aaron Greenspan through the
12 settings in my Gmail account. Thus, if Aaron Greenspan sent me any emails after October
13 2019, I would not have received them.

14 4. I was only made aware of this action on around July 3, 2020, when I was
15 contacted by a co-Defendant about the action. I was able to engage counsel to represent
16 Smick Enterprises, Inc. and me on Sunday, July 12, 2020.

17 5. I have not intentionally failed to file a response in this matter or otherwise
18 attempted to evade service; and I intend to assert meritorious defenses in this action.

19 I declare under penalty of perjury under the laws of the United States of America
20 that the foregoing is true and correct.

21
22 Executed on Jul 15, 2020


Omar Qazi (Jul 15, 2020 17:26 PDT)

23 Omar Qazi
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